

**WSR 09-21-025****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed October 12, 2009, 1:55 p.m.]

Subject of Possible Rule Making: WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Trainers at a Class A and B race track pay industrial insurance premiums that differ from the industrial insurance premiums paid by trainers at a Class C race track (nonprofit). The purpose is to amend this section to clarify what additional premiums, if any, a trainer who moved from a Class A or B race track to a Class C race track or from a Class C to Class A or B race track.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

October 12, 2009

R. J. Lopez  
Executive Secretary

**WSR 09-21-042****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed October 13, 2009, 4:28 p.m.]

Subject of Possible Rule Making: Chapter 246-145 WAC, amending to included [include] body artists and body piercers along with tattoo artists and electrologists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.54.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5391 passed in 2009 and amended RCW 70.54.340 to require the department of health (DOH) to establish requirements for sterilization and infection control procedures in practices of body art and body piercing in addition to tattooing and electrology.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SSB 5391 requires the department of licensing (DOL) to establish licensing requirements for individuals and shops/business[es] engaged in the practice of body art, body piercing and tattooing. DOH is required to establish the requirements for sterilization and infection control procedures. The DOL established a body art, body piercing and tattoo advisory committee and DOH staff attend the committee meetings and are working with DOL staff.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Notification of the rule-making process will be sent to interested parties who have contacted either the department of health or the department of licensing. To be added to the department of health's interested parties list, contact Patti L. Rathbun, Health Policy Development Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, phone (360) 236-4067, fax (360) 586-7424, or e-mail patti.rathbun@doh.wa.gov.

October 13, 2009

B. White  
for Mary C. Selecky  
Secretary

**WSR 09-21-043****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed October 13, 2009, 4:32 p.m.]

Subject of Possible Rule Making: Chapter 246-292 WAC, Waterworks operator certification, is being amended to incorporate recent statutory changes. The department will also consider a chapter update that may include addressing operational issues and incorporating long-standing guidelines into the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.119.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to incorporate statutory changes made in chapter 70.119 RCW, chapter 221, Laws of 2009. The changes strengthen the department's authority to take enforcement actions for serious violations, and clarify the department's authority to certify backflow assembly testers and cross-connection control specialists. The department will also consider a chapter update that may include addressing operational issues and incorporating long-standing guidelines into the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department will work collaboratively with the waterworks operator certification advisory committee, other related associations, and training partners to develop a draft rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The draft rule will be available for comment upon request and made available through the office of drinking water's web page at <http://www.doh.wa.gov/ehp/dw/default.htm>, the rules listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-DRINKINGWATERRULES&A=1>, and the quarterly newsletter "Water Tap." For more information contact Theresa Phillips, Office of Drinking Water, P.O. Box

47822, Olympia, WA 98504-7822, call (360) 236-3147, e-mail [theresa.phillips@doh.wa.gov](mailto:theresa.phillips@doh.wa.gov).

October 13, 2009

B. White  
for Mary C. Selecky  
Secretary

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

October 14, 2009

Alan R. Lynn  
Rules Coordinator

### WSR 09-21-047

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed October 14, 2009, 9:37 a.m.]

Subject of Possible Rule Making: WAC 458-20-10201 Application process and eligibility requirements for reseller permits and 458-20-10202 Brief adjudicative proceedings for matters related to reseller permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective January 1, 2010, reseller permits will replace resale certificates as the means to substantiate wholesale purchases. The department of revenue (department) adopted these rules on an emergency basis effective August 31, 2009, to explain the application process and eligibility requirements for businesses to receive department-issued reseller permits as well as the appeals process for those applications for reseller permits that have been denied. The department is engaging in this rule making to adopt these rules as permanent rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to Jay M. Jetter, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [JayJ@dor.wa.gov](mailto:JayJ@dor.wa.gov), phone (360) 570-6057, fax (360) 586-0127.

Public Meeting Location: Capital Plaza Building, Exec. Large Conference Room, 4th Floor, 1025 Union Avenue S.E., Olympia, WA 98504-7453, on November 12, 2009, at 1:30 p.m.

### WSR 09-21-055

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 14, 2009, 4:27 p.m.]

Subject of Possible Rule Making: Chapter 308-20 WAC, Cosmetology, barber, manicurist and estheticians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will be reviewing the WACs to determine if there [are] any rules that may no longer be needed or need further written clarification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Direct notice will be made to all active licensees under chapter 18.16 RCW, and stakeholders list. Communication with the public in general will be made through the department of licensing (DOL)/cosmetology web site and cosmetology listserv. DOL welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL will file a proposal with the office of the code reviser with a notice of proposed rule making.

To receive information by e-mail, please sign up on the cosmetology listserv at <http://listserv.wa.gov>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may send in their comments by mail, Lawna Knight, Department of Licensing, Business and Professions Division, Cosmetology Program, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-6643, fax (360) 664-2550, or e-mail [lknight@dol.wa.gov](mailto:lknight@dol.wa.gov). Additional information will be posted on the cosmetology internet web site as it becomes available at <http://dol.wa.gov/business/cosmetology>.

October 14, 2009

Walt Fahrner  
Rules Coordinator

### WSR 09-21-057

#### PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed October 15, 2009, 9:49 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational

staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator certification and ed [educational] staff associates. Legislative changes to statute for both residency and professional certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

October 15, 2009  
David Brenna  
Legislative and  
Policy Coordinator

#### **WSR 09-21-066**

#### **PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD**

[Filed October 16, 2009, 9:12 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification [certification].

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator certification and ed [educational] staff associates. Issues of abuse course work requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

October 16, 2009  
David Brenna  
Legislative and  
Policy Coordinator

#### **WSR 09-21-068**

#### **PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD**

[Filed October 16, 2009, 10:43 a.m.]

Subject of Possible Rule Making: Creation of rules for the alternative routes to teacher certification conditional scholarship program (chapter 28A.660 RCW).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.660.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to clarify the law. Specifically, the rules will address issues such as teaching service for loan forgiveness, repayments from participants who do not meet their service obligation, defining the terms for repayments and deferments, length of time the participant may use the scholarship, and deadlines.

Process for Developing New Rule: The higher education coordinating board will collaborate with the professional educator standards board in developing these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Madelyn Jacques, 917 Lakeridge Way S.W., P.O. Box 43430, Olympia, WA 98504-3430.

October 16, 2009  
Madelyn Jacques  
Program Manager  
Conditional Scholarships

#### **WSR 09-21-109**

#### **PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE**

[Filed October 21, 2009, 11:30 a.m.]

Subject of Possible Rule Making: ESSB 6169 authorizes the department of revenue (department) to electronically serve a notice and order to withhold and deliver to any financial institution in the form of a listing of unsatisfied tax warrants filed under chapter 82.32 RCW. The department is considering adopting a rule explaining the procedure for electronic issuance of these notices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department believes a rule is needed to implement the provisions of ESSB 6169 authorizing the electronic service of a notice and order to withhold and deliver to financial institutions. The department anticipates this rule would explain the process for the electronic issuance of a notice and order to withhold and deliver, and the responsibility of the financial institution being served such a notice.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of financial institutions (DFI) regulates financial institutions, but does not regulate the department's authority to serve or the financial institution's responsibility

to respond to a notice and order to withhold and deliver. The department will notify DFI of this rule making.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A preliminary draft of a flow chart showing how the process might work is available on the department's Rule making agenda web page.

The department is at this time requesting written comments by November 13, 2009, and anticipates later scheduling a CR-102 public hearing. Written comments should be directed to either the Department of Revenue, Compliance Division, CRRT, P.O. Box 14699, Tumwater, WA 98511-4699, e-mail [dorewithholds@dor.wa.gov](mailto:dorewithholds@dor.wa.gov); or questions may also be directed to Walt Tanimoto, phone (360) 725-7331 or Bobbi Carter, phone (360) 725-7308.

October 21, 2009

Alan R. Lynn  
Rules Coordinator

#### WSR 09-21-110

**PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed October 21, 2009, 11:39 a.m.]

Subject of Possible Rule Making: Chapter 139-30 WAC, Firearms certification—Security guards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments to chapter 139-30 WAC are being [proposed] as simple language updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail [shirsch@cjtc.state.wa.us](mailto:shirsch@cjtc.state.wa.us), phone (206) 835-7372. Commissioners, board members, and stakeholders were advised of the proposed rule changes via e-mail. Proposed changes were also listed on the agency web site.

October 21, 2009

Sonja Hirsch  
Executive Assistant  
Hearing Coordinator  
and Rules Coordinator

#### WSR 09-21-111

**PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed October 21, 2009, 11:39 a.m.]

Subject of Possible Rule Making: Chapter 139-35 WAC, Firearms certification—Private detectives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments to chapter 139-35 WAC are being [proposed] as simple language updates.

In addition, the title of chapter 139-35 WAC will be changed from "Firearms certification—Private detectives" to "**Firearms certification—Private investigators.**"

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail [shirsch@cjtc.state.wa.us](mailto:shirsch@cjtc.state.wa.us), phone (206) 835-7372. Commissioners, board members, and stakeholders were advised of the proposed rule changes via e-mail. Proposed changes were also listed on the agency web site.

October 21, 2009

Sonja Hirsch  
Executive Assistant  
Hearing Coordinator  
and Rules Coordinator